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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,973	09/20/2005	Yasuto Ueda	K00486US (#90697)	3461
7590 Peter Hochberg The Baker Builder 6th Floor 1940 East 6th St Cleveland, OH 44114			EXAMINER BHATTACHARYA, SAM	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 06/27/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/549,973

**Applicant(s)**

UEDA, YASUTO

**Examiner**

Sam Bhattacharya

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-14, 16-27 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-14, 16-27 and 30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-14, 16-27 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-223478 (hereinafter '478) in view of Porter et al. (US 2003/0122684).

Regarding claim 12, '478 discloses a communication system comprising: an IC tag attached to an object; a reader/writer provided with a function for communicating with the IC tag for a predetermined time; a mobile information terminal for carrying the reader/writer; wherein the mobile information terminal comprises the functions of: a first alarm emission function for emitting a first alarm when communication with the reader/writer and the IC tag becomes impossible; a second alarm emission function for emitting a second alarm when communication with the reader/writer and the IC tag becomes possible; a position information acquisition function for acquiring a position information of the mobile information terminal when communication with the reader/writer and the IC tag becomes impossible; and a display function for displaying the position information acquired by the position information acquisition function. See paragraphs 12-15.

'478 fails to disclose first and second alarms that are different and are selected from the group of alarms consisting of sound, luminescence, vibration and screen information, or its

combination, and wherein the setting change is arbitrarily possible from the mobile information terminal.

However, Porter discloses these features in paragraph 39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in '478 by incorporating these features taught in Porter for the purpose of allowing a user to respond differently to different kinds of tags.

Regarding claim 13, '478 discloses wherein the mobile information terminal suitably changes a timing for acquiring the position information by the position information acquisition function in accordance with an electric wave environment when communication of the reader/writer and the IC tag becomes impossible. See paragraphs 14 and 15.

Regarding claim 14, '478 discloses wherein the IC tag provides a unique identification number and setting change of correlation data with the object being arbitrarily possible via the reader/writer from the mobile information terminal. See paragraph 19.

Regarding claim 16, '478 discloses wherein the position information acquisition function receives electric wave intensity with two or more base stations and acquires the position information based on said received electric wave intensity with two or more base stations. See paragraph 21-22.

Regarding claim 17, '478 discloses wherein the position information acquisition function communicates with a GPS Satellite via base stations for acquiring the position information. See paragraph 14-16.

Regarding claim 18, '478 discloses wherein said system further comprises a communication line and a management server, and wherein said communication line connects

said mobile information terminal with said management server provides the function for transmitting the first alarm and the position information acquired by the position information acquisition function to the management server. See paragraph 12-14.

Regarding claim 19, '478 discloses wherein the management server provides information program about the communications system using the IC tag and offers information about a lost article in the information program for a terminal device accessible via the communication line. See paragraph 15-17.

Regarding claim 20, '478 discloses a communication program applied to a communication system including an IC tag attached to an object, a reader/writer provided with a function for communicating with the IC tag for a predetermined time, and a mobile information terminal for carrying the reader/writer; wherein the mobile information terminal comprises the following processes: a first alarm emission process for emitting a first alarm when communication with the reader/writer and the IC tag becomes impossible; a second alarm emission process for emitting a second alarm when communication with the reader/writer and the IC tag becomes possible; a position information acquisition process for acquiring a position information of the mobile information terminal when communication with the reader/writer and the IC tag becomes impossible; and a display process for displaying the position information acquired by the position information acquisition process. See paragraph 12-15.

'478 fails to disclose first and second alarms that are different and are selected from the group of alarms consisting of sound, luminescence, vibration and screen information, or its combination, and wherein the setting change is arbitrarily possible from the mobile information terminal.

However, Porter discloses these features in paragraph 39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in '478 by incorporating these features taught in Porter for the purpose of allowing a user to respond differently to different kinds of tags.

Regarding claim 21, '478 discloses further including a management server and a communication line, wherein said communication line connects said mobile information terminal is with said management server and provides a process for transmitting the first alarm and the position information acquired by the position information acquisition process to the management server. See paragraph 15.

Regarding claim 22, '478 discloses wherein the mobile information terminal provides a process for restricting functions of the mobile information terminal when the mobile information terminal is in a missing condition. See paragraph 15-17.

Regarding claim 23, '478 discloses wherein the position information acquisition process changes the acquisition timing of the position information according to an electric wave environment. See paragraph 16.

Regarding claim 24, '478 discloses a communication system comprising: an IC tag attached to an object; a reader/writer provided with a function for communicating with the IC tag for a predetermined time; and a mobile information terminal for carrying the reader/writer; wherein the mobile information terminal emits a first alarm when communication with the reader/writer and the IC tag becomes impossible, emits a second alarm when communication with the reader/writer and the IC tag becomes possible. See paragraph 12-15.

'478 fails to disclose first and second alarms that are different and are selected from the group of alarms consisting of sound, luminescence, vibration and screen information, or its combination, and wherein the setting change is arbitrarily possible from the mobile information terminal.

However, Porter discloses these features in paragraph 39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in '478 by incorporating these features taught in Porter for the purpose of allowing a user to respond differently to different kinds of tags.

Regarding claim 25, '478 discloses wherein the mobile information terminal detects and temporarily memorizes the position information of the mobile information terminal when communication with the reader/writer and the IC tag is possible, and displays the temporarily memorized position information when communication with the reader/writer and the IC tag becomes impossible. See paragraph 16.

Regarding claims 26 and 33, '478 discloses a communication system comprising: an IC tag attached to an object; a reader/writer provided with a function for communicating with the IC tag for a predetermined time; and a mobile information terminal for carrying the reader/writer having a position information; wherein the mobile information terminal detects and temporarily memorizes the position information of the mobile information terminal when communication with the reader/writer and the IC tag is possible, emits a first alarm when communication with the reader/writer and the IC tag becomes impossible, and displays the temporarily memorized position information, and a second alarm emission function for emitting a second alarm when communication with the reader/writer and the IC tag becomes possible. See paragraph 12-15.

'478 fails to disclose first and second alarms that are different and are selected from the group of alarms consisting of sound, luminescence, vibration and screen information, or its combination, and wherein the setting change is arbitrarily possible from the mobile information terminal.

However, Porter discloses these features in paragraph 39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in '478 by incorporating these features taught in Porter for the purpose of allowing a user to respond differently to different kinds of tags.

Regarding claim 27, '478 discloses wherein the IC tag provides a unique identification number and arbitrarily sets change of correlation data with the object via the reader/writer from the mobile information terminal. See paragraph 17.

Regarding claim 30, '478 discloses further comprises two or more base stations and wherein the mobile information terminal detects and temporarily memorizes the position information of the mobile information terminal using said two or more base stations when communication with the reader/writer and the IC tag is possible, and displays the temporarily memorized position information when communication with the reader/writer and the IC tag becomes impossible. See paragraph 21.

Regarding claim 31, '478 discloses wherein the mobile information terminal includes a GPS function comprising a GPS satellite and base stations, and detects and temporarily memorizes the position information of the mobile information terminal by communicating with said GPS satellite via said base stations, and displays the temporarily memorized position



information when communication with the reader/writer and the IC tag becomes impossible. See paragraph 20.

Regarding claim 32, '478 discloses wherein the mobile information terminal acquires the position information of the mobile information terminal by communicating with the GPS Satellite and the base stations whenever communication with the reader/writer and the IC tag is performed, overwrites and updates the acquired position information on the temporarily memorized position information. See paragraph 19.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb

/Sam Bhattacharya/

Examiner, Art Unit 2617